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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/570,111      | 03/01/2006  | Haymo Katschorek     | 1093-149 PCT/US     | 5294             |

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05/08/2009

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| EXAMINER |
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VARGOT, MATHIEU D

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| ART UNIT | PAPER NUMBER |
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1791

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| MAIL DATE | DELIVERY MODE |
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05/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/570,111 | <b>Applicant(s)</b><br>KATSCHOREK ET AL. |  |
|                              | <b>Examiner</b><br>Mathieu D. Vargot | <b>Art Unit</b><br>1791                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/1/06 &amp; 9/11/08</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

1.Applicant's election without traverse of Group I, claims 1-13 and 21-24 in the reply filed on January 23, 2009 is acknowledged.

2.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al (see paragraphs 0027, 0033 and 0087-0091) in view of the PCT Publication WO 02/061470 of which Moia et al (USP 7,201,948) is an English language equivalent (see 3 and 23 in Fig. 3b; see col. 3 lines 64-66 and col. 4 lines 13-16).

Ryan et al discloses a process for the production of a patterned optical element with light polarizing properties including the steps of providing an orientation layer on a substrate, the orientation layer being patterned as desired to form the desired optical element, and applying a LCP layer to the orientation layer to thereby orient the liquid crystals of the LCP layer as desired. Concerning the state of the LCP layer, paragraph 0027 discloses that the layer can be deposited as a liquid—ie, coated—or “in some other form and transformed to a liquid crystal phase in situ, for example by application of heat”. This disclosure clearly renders obvious the aspect of applying the LCP layer as a film —ie, in the solid state—that will subsequently be melted in order to perform the alignment thereof. Concerning the application of a multilayered film body containing the LCP layer, see paragraphs 0087-0091. These paragraphs disclose applying additional

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functional layers on top of the LCP layer, and teach that the layers would be applied “simultaneously” with the coating layer. Given the earlier disclosure in paragraph 0027 of depositing the LCP layer essentially as a solid film—or as a layer that would be melted-- it is submitted obvious that the additional functional layers would be applied to the orientation layer along with the LCP layer and that these would be applied as solids or as the instant “film body”. Hence, while the instant application of a film body containing a solid LCP layer is not **explicitly** taught in Ryan et al, it is respectfully submitted that the primary reference renders such as **clearly** obvious. Ryan et al fails to teach that the optical element produced would be personalized through variable alignment layer printing methods (instant claims 2, 3, 22 and 23) and that the substrate would be a sticker film to be applied to a security document (instant claims 10-13). PCT -470, as evidenced by the English language equivalent Moia et al -948, discloses these aspects. It would have been obvious to have modified the general method of Ryan et al as taught by PCT -470 dependent on the exact function for the optical element. See paragraph 0033 of Ryan et al for a disclosure of the various methods by which the alignment layer would be patterned the methods of instant claims 4-7 being taught therein with the thermal deforming considered to be inclusive of thermal molding.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
May 7, 2009

/Mathieu D. Vargot/  
Primary Examiner, Art Unit 1791